IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.2566 OF 2005

Smt. Krishna H. Bajaj .. Petitioner
Versus
Bharatiya Bhavan Cooperative
Housing Society Ltd. and Ors. .. Respondents

Mr.Cyrus Ardeshir i/b Goenka Law Associates for petitioner

Mr.Ashwin Ankhad for respondent no.1

Mr.P.G.Sawant, AGP for respondent no.2

CORAM : P.V.KAKADE, J.

DATE : 14TH NOVEMBER,2005

P.C.:

1. Heard the learned counsel for both the parties.

2. By this writ petition the Petitioner has sought quashing of the order dated 8th August 2005 passed by Maharashtra State Cooperative Appellate Court, Mumbai whereby the Petitioner’s appeal was partly allowed and the Respondent-Society was directed to provide information sought by the disputant-petitioner or the copies of the relevant documents as contemplated under

Section 32, 79-A of the Maharashtra Cooperative Societies Act, 1966 or bye-law 171, if not provided earlier. However, the appeal was dismissed so far as it related to restraining the respondent-society in holding of annual general meeting as per Schedule is concerned.

3. The learned counsel for the appellant vehemently submitted that inspite of the fact that he is member of the society and issued letter dated 11th July 2005 raising certain queries pertaining to the annual accounts for the year ending March 31, 2005, the society refused to provide the data. However, by letter dated 12th July 2005 the respondents appears to have informed the Petitioner that they would act within the four corners of provision of Section 32 of the Maharashtra Cooperative Societies Act, 1960 and submitted that under the circumstances the respondents called upon the petitioner to specify the transaction of which he want to see the Society’s record wherein he was personally involved. The bone of contention between the parties appears to be whether to show the details of the transactions, which were reflected in the annual accounts circulated prior to the Annual General Meeting of the Respondent-Society. The learned appellate court

has defined the scope of Section 32 of the Maharashtra Cooperative Societies Act holding that it does not prescribe or empowers the member to ask for and inspect any particular transaction made by the managing committee of the society. However, the operative order shows that the Respondent-society was directed to provide information sought by the petitioner as contemplated under Section 32, 79-A of the of the Maharashtra Cooperative Societies Act or bye-law 171 if not provided earlier. Therefore, in my considered view, the lower appellate court has conceded the demand of the petitioner embodied in his letter dated 11th July 2005 and therefore, there is no merit in the petition as such.

. Under the circumstances the Petition stands dismissed in limine with no order as to costs.